



PA appellate court holds that physician credentialing file is not protected by the state peer review privilege

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In a highly unfavorable peer review decision, [Leadbitter v. Keystone Anesthesia v. Petraglia](#), entered on February 12, 2020, a Pennsylvania state appellate court upheld an order compelling a hospital to produce the unredacted contents of a physician's credentialing file. Physician credentialing files contain documents generally considered protected by state peer review privilege statutes. The documents in question included multiple types of professional performance evaluations examining the quality and efficiency of services provided by the co-defendant physician that the hospital's credentialing committee used in its credentialing and privileging processes.

The hospital unsuccessfully asserted that the Pennsylvania peer review statute and the Health Care Quality Improvement Act (HCQIA) protects the peer review documents from production. While the appellate court agreed that the credentialing file documents meet the definition of peer review documents, it cited a 2018 Pennsylvania Supreme Court decision, [Reginelli v. Boggs](#), which held that the state peer review privilege only applies to documents of a review *committee* and not to documents of a review *organization*. The appellate court applied the holding in *Reginelli* to the credentialing file and held that because a credentialing committee is a review *organization*, its documents are not protected.

This decision further erodes protections afforded to credentialing committee documents in Pennsylvania, building on another recent [Pennsylvania appellate court decision](#) in which the same court held that evaluations created by a credentialing committee are not protected by state privilege.

The court acknowledged that its holding would have a chilling effect on the candid sharing of information between health care providers, which serves an important peer review function as hospitals consider the qualifications of new applicants seeking clinical privileges. Hospitals outside Pennsylvania that receive credentialing queries and reference requests from hospitals located in Pennsylvania should assume that their responses will not be protected from discovery in future proceedings.

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